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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 8 September 2016 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by Denmark to implement the provisions of Security Council resolution 2270 (2016), in accordance with paragraph 40 of that resolution (see annex).

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Annex to the note verbale of 8 September 2016 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

Report of Denmark on the implementation of Security Council resolution 2270 (2016)

Denmark and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in resolution 2270 (2016) by taking the following common measures:[1]

(a) Council Decision (CFSP) 2016/319 of 4 March 2016 implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2016/315 of 4 March 2016, amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea;

(c) Council Decision (CFSP) 2016/476 of 31 March 2016:

The Council Decision sets out the commitment of the European Union to the implementation of all the measures contained in Security Council resolution 2270 (2016) and provides the basis for European Union-specific accompanying measures within the scope of the resolution, notably:

- Extension of export and import prohibitions: extends export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the armed forces of the Democratic People's Republic of Korea
- Requirement to expel diplomats of the Democratic People's Republic of Korea engaged in illicit activities: targets such diplomats working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provision of Security Council resolutions, including exemptions
- Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of Security Council resolutions
- Requirement to close offices of designated entities and expel representatives: States members shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for or on their behalf from participating in joint ventures or any other business arrangements

[1] All common measures are published in the *Official Journal of the European Union*, available from: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/advanced-search-form.html?qid=1456325860845&action=update (search form).

- Ban on specialized training, including teaching or training in specific fields
- Requirement to inspect cargo from the Democratic People's Republic of Korea to cover the inspection of cargo within or transiting free trade zones or that is being transported on Democratic People's Republic of Korea flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items
- Requirement to ban the chartering of vessels or aircraft by the Democratic People's Republic of Korea and de-register vessels, including a prohibition on the provision of crew services
- Requirement to prohibit nationals from operating vessels of the Democratic People's Republic of Korea
- Ban on flights of any plane suspected of carrying contraband, with the exception of those landing for inspection
- Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity
- Export ban on any item that could contribute to nuclear or ballistic programmes or other weapons of mass destruction programmes of the Democratic People's Republic of Korea
- Ban on export from the Democratic People's Republic of Korea of specified minerals such as coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals
- Ban on aviation exports to the Democratic People's Republic of Korea of fuel such as aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel
- Asset freeze on government entities or the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf
- Prohibition on the opening and operation of new branches, subsidiaries and representative offices of banks of the Democratic People's Republic of Korea
- Obligation to close existing branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea within 90 days
- Obligation to close existing representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea within 90 days
- Extension of the prohibition on providing financial support for trade with the Democratic People's Republic of Korea or private financial support for trade if such financial support could contribute to illicit activities of the Democratic People's Republic of Korea

(d) Council Regulation (EU) 2016/682 of 29 April 2016 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea gives effect to the measures provided by Council Decision 2016/476/CFSP of 31 March 2016;

(e) Council Decision (CFSP) 2016/1341 and Council Regulation (EU) 2016/1333 of 4 August 2016 provide the basis for the implementation of the list of items, materials, equipment, goods and technology related to weapons of mass destruction identified and designated as sensitive goods pursuant to Security Council resolution 2270 (2016).

In addition, the competent Danish authorities will apply the following Danish legislation in implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in resolution 2270 (2016) concerning arms and related materials:

(a) In accordance with Section 7 a (1) and (4) of the Danish Weapons Act No. 1005 of 2012, with subsequent amendments, the Government Order on Transportation of Weapons etc. between countries other than Denmark has been issued establishing a prohibition on the transport of weapons etc. to specific countries. According to Section 1 of the Order, it is prohibited to transport weapons of any kind and defence-related material etc. between countries other than Denmark when the recipient country is listed in the Order. The list includes all countries that are under a United Nations, European Union or Organization for Security and Cooperation in Europe arms embargo;

(b) According to Section 7 b (1) of the Danish Weapons Act, it is likewise prohibited, without a specific licence from the Minister of Justice, as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in Section 6, between countries outside the European Union. Furthermore, it is prohibited to buy or sell weapons etc., as defined in Section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons etc., to arrange such transfer. According to Section 7 b (2), the prohibition does not apply to acts performed in another European Union State member or to acts performed outside the European Union by persons with permanent residence outside Denmark;

(c) According to Section 6 of the Danish Weapons Act, it is prohibited without a specific licence from the Minister of Justice to export weapons of any kind and defence-related material, etc. Section 6 applies to any situation in which items are transferred from Denmark to a third country, no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolutions 1718 (2006), 1874 (2009) and 2270 (2016);

(d) Violations of the above-mentioned rules are criminal offences punishable by fine or imprisonment, see Danish Weapons Act, Section 10 and, in aggravating circumstances, Section 192 (a) of the Danish Criminal Code.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to

infringements of their provisions. The penalties determined by Denmark are set out in the following legislation:

> The Danish Criminal Code No. 1052 of 2016. According to Section 110 c (2) of the Criminal Code, a fine or imprisonment for a term not exceeding four months, or in particularly aggravating circumstances imprisonment for a term not exceeding four years, is imposed on any person who fails to comply with provisions or prohibitions stipulated by law to perform the obligations incumbent on the State as a member of the United Nations. An equivalent provision exists concerning the contravention of European Union sanctions (Section 110 c (3)). Where the contravention is committed through negligence, the penalty is a fine or imprisonment for a term not exceeding two years (Section 110 c (4)).

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001,[2] provides the basis for refusal of admission and denial of requests for a visa:

> The Danish Aliens Act No. 412 of 2016, with subsequent amendments, under which the competent Danish authorities have the power to impose entry and transit restrictions on persons designated by the Security Council Committee established pursuant to resolution 1718 (2006). The necessary instructions will be issued immediately after the designation of such persons.

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[2] Regulation (EC) No. 539/2001 applies to neither Ireland nor to the United Kingdom of Great Britain and Northern Ireland.